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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/822,097   | 03/30/2001  | Guangdian Gordon Wu  | 068508.0102         | 9058             |
| 23640  | 7590        | 07/08/2010           | EXAMINER            |                  |
| Baker Botts L.L.P.<br>910 Louisiana Street, One Shell Plaza<br>HOUSTON, TX 77002 |             |                      | OSMAN, RAMY M       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2457                |                  |
|  |             |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|  |             |                      | 07/08/2010          | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

crystle.garbade@bakerbotts.com  
tracy.perez@bakerbotts.com  
nicci.fowler@bakerbotts.com

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/822,097 | <b>Applicant(s)</b><br>WU, GUANGDIAN GORDON |  |
|                              | <b>Examiner</b><br>RAMY M. OSMAN     | <b>Art Unit</b><br>2457                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2457

### **DETAILED ACTION**

1. This communication is responsive to amendment filed April 13, 2010, where applicant amended claims 1,53,54. Claims 1-37,53 and 54 remain pending.

### ***Response to Arguments***

2. Applicant's arguments filed 4/13/2010 have been fully considered and are found to be persuasive. However, a new ground of rejection is presented. Applicants arguments are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1-5,8-10,12-14,33,35-37,53 and 54 rejected under 35 U.S.C. 102(e) as being anticipated by Hutsch et al (US Patent No 7269664).**

5. In reference to claims 1,53 and 54, Hutsch teaches a personal base process on a computer system, a computer program on a computer network, and an information handling system, all respectively comprising:

Art Unit: 2457

a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user (column 13 lines 55-67, Hutsch discloses a “web-top-manager” as equivalent to the personal base instance);

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (column 15 lines 17-30, Hutsch discloses a “universal content broker” as equivalent to the personal base server); and

wherein: the personal base instance is configured to:

communicate with the personal base server; bilaterally communicate with a plurality of third parties (column 14 lines 13-18, the “content providers” are equivalent to the third parties); and

communicate with the user (column 14 lines 1-12);

wherein:

the personal base instance is configured to transmit data to the plurality of third parties through the personal base server (Figure 5, column 14 lines 13-18, column 19 lines 55-67, Hutsch discloses using “adapters” to communicate with the providers via the broker); and

the personal base instance is configured to receive data from the plurality of third parties through the personal base server (column 15 lines 18-30);

the user does not communicate with the personal base server (Figure 3A).

6. In reference to claims 2 and 3, Hutsch teaches the personal base process as in claim 1, wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to store data originating from said personal base instance (Figure 3A item #337).

Art Unit: 2457

7. In reference to claims 4 and 5, Hutsch teaches a personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to provide data to said personal base instance (Figure 3A item #337).

8. In reference to claims 8,10 and 12, Hutsch teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second instance of a personal base (column 7 lines 39-46, this is an inherent teaching within Hutsch that more than one user can be in communication with their own personal base).

9. In reference to claim 9, Hutsch teaches the personal base process as in claim 1 , wherein said node of said system in communication with said personal base server is a second user (column 7 lines 39-46, Hutsch allows multiple users to use the system).

10. In reference to claims 13 and 14, Hutsch teaches the personal base process as in claim 1 , wherein said node of said system in communication with said personal base server is another software process; and a third party institution (column 15 lines 17-30).

11. In reference to claim 33, Hutsch teaches the personal base process as in claim 1, wherein said personal base has at least one special layer devoted to a specific function (column 15 lines 17-30).

12. In reference to claim 35, Hutsch teaches the personal base process as in claim 33, wherein said special layer is devoted to employer information (column 8 lines 1-16).

13. In reference to claim 36, Hutsch teaches the personal base process as in claim 33, wherein said special layer is devoted to scheduling information (column 8 lines 18-31).

Art Unit: 2457

14. In reference to claim 37, Hutsch teaches the personal base process as in claim 33, wherein said special layer is devoted to messages (column 8 lines 1-9).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 11,15-32 rejected under 35 U.S.C. 102(e) as being unpatentable over Hutsch et al (US Patent No 7269664).**

17. In reference to claim 11, Hutsch teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second personal server. "Official Notice" is taken that multiple servers can host a single personal base service as is the case when multiple servers are used to host a single website. It would have been obvious for one of ordinary skill in the art to modify Hutsch wherein said node of said system in communication with said personal base server is a second personal server as is the case when multiple servers are used to host a single website

18. In reference to claims 15-26, 31 and 32, Hutsch teaches the personal base process as in claim 1. Hutsch further teaches wherein said node of said system in communication with said personal base server can be any of a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone; via a server computer; via a

Art Unit: 2457

pager. (see at least column 7 lines 47-55) Furthermore, “Official Notice” is taken that these are all communication devices that are old and well known in the art. It would be obvious to use any of them since they are readily available forms of modern digital communication.

19. In reference to claims 27-30, Hutsch teaches the personal base process as in claim 1, including where a user is authenticated, and wherein said communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card. (see at least column 19 lines 5-11) Furthermore, “Official Notice” is taken that authentication is old and well known in the art. It would be obvious to use any of these identification methods since they are readily available forms of user authentication.

**20. Claim 6,7,34 rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al (US Patent No 7269664) in view of Moshfeghi et al (US Patent No 6,076,166).**

21. In reference to claims 6 and 34, Hutsch teaches the personal base process as in claim 1, but fails to explicitly teach wherein said personal base server has a dedicated medical layer. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

22. In reference to claim 7, Hutsch teaches the base process as in claim 6. Hutsch fails to explicitly teach wherein said node of said system in communication with said dedicated medical layer of said personal base server is a medical institution. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

Art Unit: 2457

23. It would have been obvious for one of ordinary skill in the art to modify Hutsch by making the node of said system in communication with said dedicated medical layer of said personal base server is a medical institution as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

### ***Conclusion***

24. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

25. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. **(See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)**

26. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner, Art Unit 2457

July 1, 2010